we reached out to our neighbors and said: We will help clean up the forests to ensure the health of the forests and to ensure the vitality of those forests for wildlife and for human life.

As the Healthy Forest legislation comes up for debate, the Senator from New Mexico—who is in the Chamber now to handle the energy and water appropriations bill—and I, the other Senator from Idaho, MIKE CRAPO, and the Senator from Mississippi have been working with our colleagues from California and Oregon to assure that we can begin a process on the public lands of the West to attempt to clean them up, to reassure healthy forests. Yet somehow—by some groups, and by some Senators—it is looked at as an entirely different process from what Hurricane Isabel could well do to the forests of the Carolinas and to the forests of Virginia.

Out West and across other forests of our country, this year we have lost nearly 4 million acres to wildfire and yet we struggle to get the money, we struggle to get the right to allow the process to clean up, to rehabilitate and reestablish the environment of these forests. It is time we wake up. What is happening to the forests of the West today is natural. It is a result of bug kill, it is a result of drought, and it is a result of us taking fire out of the ecosystems a good number of years ago. Somehow now we are not being allowed to treat it the very way we have allowed hurricane damage and other natural damages to be treated.

So I plead with the Congress, I plead with this Senate, to realize this, to work with us to build a healthy forest bill. I thought it was appropriate to come to the Senate floor to say this at a time when Isabel is about ready to hit land and begin to damage the forests of the East Coast.

I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, the Senate will resume consideration of H.R. 2754, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Feinstein amendment No. 1655, to prohibit the use of funds for Department of Energy activities relating to the Robust Nuclear Earth Penetrator, Advanced Weapons Concepts, modification of the readiness posture of the Nevada Test Site, and the Modern Pit Facility, and to make the amount of funds made available by the prohibition for debt reduction.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am very pleased today that we have set a time and we are going to vote on the so-called Feinstein amendment. I am also pleased we will hear from a very distinguished Senator whose thoughts and reputation in the Senate, from this Senator's standpoint, are becoming more valid, more looked upon, and listened to.

The issue before us is a straightforward issue that is trying to be made complex. It is not the issue of building new nuclear weapons. Senator CHAMBLISS and I can start off by saying there is nothing in this bill that permits us to build a single, solitary, new nuclear weapon. That requires an act of Congress that is not before us.

Secondly, the Senator knows it provides for the testing ground in Nevada, which we had said since we put it in mothballs, it should be ready for testing at any time. Any time today means 3 years. Under this legislation, at the request of the administration, it will be modernized so it will only take 1½ years to get ready for a test, if a test is necessary.

So far, those things I have said, it would seem to me, should pass this Senate 100 to 0. There are two other issues I am sure my friend from Georgia will explain, but none of them do anything to build a new line of nuclear weapons for this great Nation. That is not the issue, and I hope the Senator from Georgia will join me in convincing a few more Senators this is an issue to be defeated. Small funding, big ideas; little, tiny funding with great repercussions if we fail to do what we ought to do.

I yield the floor and welcome the Senator's comments.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. I thank the Senator from New Mexico for his kind comments, but most importantly I thank him for his strong leadership on the issue of energy and any number of other issues. In my years in the House I had the privilege of working with the Senator when he was chairman of the Budget Committee. What great leadership he provided, and he is carrying that forward as chairman of the Appropriations Subcommittee on Energy now. It is indeed a privilege and a pleasure to work very closely with him to make sure a strong energy policy is developed in the United States of America, something that is sorely lacking. Under the Senator's leadership we are going to make sure that happens.

Before I make my comments relative to this amendment, though, I cannot help but take a minute to say to the Presiding Officer that as a grandfather twice over, I am very happy for the Chair and Diana. I will say if he thinks he is having fun today, every day gets more and more fun.

Being the obnoxious grandparent I am, I would like to compare pictures with the Presiding Officer as he moves down the road. My pictures of little John and little Parker are something special that I hold very near and dear. I see the Chair already has his. So we will compare them early on.

I rise today to speak in opposition to the amendment offered by my distinguished colleague, Senator FEINSTEIN. I do not support this amendment for several reasons and I would like to take a few minutes to outline my concerns. The amendment offered contains four provisions, all of which will negatively affect our Nation's security and our ability to maintain a modern and safe nuclear weapons capability.

This amendment prohibits our Nation's scientists from researching one of the foremost military challenges our Nation faces, which is an enemy using a hardened, deeply buried facility to protect weapons of mass destruction or carry out command and control operations. Our Nation has just begun exploring whether modified existing warheads might be effective in countering such targets. The underlying bill provides funds to conduct the second year of a 3-year feasibility study to see if existing weapons can be modified to address this critical threat. The bill allows the United States to simply explore—and I emphasize the word—the full range of weapons concepts that could offer a credible deterrent and response to new and emerging threats. It is imperative that our Nation continue to perform this research. It absolutely has to be done.

The funding for advanced concepts that this amendment strikes will also prohibit our scientists from exploring and incorporating changes to our existing nuclear-related programs, including upgrades to safety and security measures that make our nuclear arsenal more reliable and safer. Advanced concepts are the ''idea machines'' for scientists and engineers at our national laboratories that allow them to take advantage of advancement in technology. Essentially, this amendment would restrict our scientists from doing their job, which is to improve the reliability and sustainability of our programs.

The amendment also restricts funding for the improvement of our country's timeline to prepare for an underground nuclear test. Our goal is to reduce the timeline from the current threshold of 36 months to 18 months. The President could decide that a test is necessary to confirm a problem or test a fix to a problem involving the safety, security or reliability of a nuclear weapon in the stockpile. This administration has determined that, should such a test become necessary, the United States should not have to wait 3 years to address the problem in the stockpile. As our nuclear systems age, the necessity to conduct a test becomes more likely, should the President determine that it is in the national interest to do so. This amendment would make our Nation and our nuclear arsenal less, not more, secure.

The last provision in this amendment would have the most drastic effect, I believe, to our Nation's security. For the first time in more than a decade, the United States will now be able to

design and implement a program to manufacture a plutonium pit, an essential nuclear warhead component. The lack of this proficiency has seriously constrained our ability to maintain our nuclear stockpile. In fact, the Department of Energy, in 2002, indicated that the U.S. is the only nuclear power that lacks the ability to manufacture ''pits.'' All pits currently in the U.S. nuclear stockpile were made at the Rocky Flats Plant near Denver, CO, which opened in 1952. The Department of Energy halted pit manufacturing operations there in 1989. The administration has proposed a multi-year planning and design process that would result in a final decision on constructing a modern pit facility in 2011. If construction is approved, the proposed facility would begin full operation in 2020. The modern pit facility allows us to incorporate this capability into our nuclear weapons program and modernize our systems accordingly.

Should this amendment pass, the United States' capabilities for ensuring a safe, reliable nuclear arsenal will continue to regress for several years. This amendment will prohibit the U.S. from taking advantage of the latest technology.

Let me reiterate, the U.S. is not planning to resume testing; nor are we improving test readiness in order to develop new nuclear weapons. In fact, the U.S. is not planning to develop any new nuclear weapons at all. Our goal is to maintain a safe, secure, reliable, and effective nuclear weapons program, and for this reason I oppose the pending amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I rise to oppose the amendment. I thought I would comment in three areas.

First of all, I have had an opportunity to visit our laboratories in the United States. I will talk a little bit about that. Then I would like to review where we are in the overall aspect as far as our nuclear weapons are concerned. Finally, I will talk a little bit about what is in the authorization bill we passed in the Senate earlier on in the year, and talk a little bit about the fact that we have considered most of these amendments already. I don't understand why we are bringing them up for reconsideration, because the Senate has spoken.

I had an opportunity earlier this year to go around and visit the laboratories. I began to understand how important it is—that we need to study our nuclear weapons and we need to understand where we are in regard to the strategic nuclear stockpile.

Not long ago, several years back, the hope for the strategic nuclear stockpile was that it would work, but there was skepticism in the scientific community. But going around the laboratories earlier this year, those scientists, very capable scientists, very dedicated employees we have in our laboratories—and they want to see world peace and they don't necessarily want to see the proliferation of nuclear weapons—understand the need for us to know what is happening as far as our own strategic stockpile is concerned; that we need to continue to evaluate the threats from our enemies or potential enemies and where we stand in relation to that threat.

I was convinced that we need to do studies; we need to do some design thought; we need to bring it up for discussion. Nobody is out here saying we need to go into a nuclear arms race. I think that is overstated. But I think there is a lot of science that needs to be known, still, as far as nuclear weapons. We are going through a period of time where our stockpile is aging. Because it is aging, there are some phenomena that we perhaps do not understand. We want to make sure we understand. We want to make sure we have a safe environment and, from a safety aspect, that we understand what happens with aging.

The administration's budget request for fiscal year 2004 included several initiatives to advance their agenda as spelled out in the 2001 Nuclear Posture Review. The Nuclear Posture Review laid out a plan to reduce the nuclear threshold by making advances in conventional munitions and missile defense capabilities, and in revitalizing our nuclear weapons infrastructure, while at the same time reducing the number of nuclear weapons—reducing the number of nuclear weapons in our stockpile from around 6,000 to between around 1,700 and 2,200 operationally deployed nuclear warheads.

One focus of the Nuclear Posture Review is to make advances in our nuclear weapons capabilities to deter future threats instead of maintaining a nuclear weapons stockpile which was designed to deter past threats.

This bill includes funding to support the administration's initiatives. Specifically, the Senate bill provides $6 million for advanced concepts, $15 million to continue a 3-year feasibility study on the robust nuclear earth penetrator, which is commonly referred to as RNEP, and $25 million to enhance our test readiness capabilities at the Nevada Test Site. That was mentioned in previous comments on the Senate floor, how important it is in order to meet our 18-month response requirement that this needs to be met. There needs to be money to meet that requirement. And there is $23 million to continue conceptual design efforts for a modern pit facility. Each of these individual facilities will enhance our Nation's readiness and capabilities in support of the Nuclear Posture Review.

I think the Members of the Senate need to know the Nuclear Posture Review was analyzed by those people in the know, those people who understand what is happening in other countries, people who understand the science and understand where we are in this country.

The advanced concepts initiative will support preconceptual and concept definition studies and feasibility and cost studies approved by the Nuclear Weapons Council. With advanced concepts, we are beginning to challenge our scientists, designers, and engineers to consider what is within the art of the possible. They will be challenged to think, discover, create, and innovate. By supporting the administration's request for the advanced concepts initiative, we will ensure there is an active advanced development program to assess the capabilities of our adversaries, conceptualizing innovative methods for countering those threats, developing weapon system requirements in response to our adversaries, and prototyping and evaluating the concepts.

The advanced concepts initiative will also help our experts to design enhanced safety and security aspects for our nuclear weapons, particularly the aging nuclear weapons that we possess.

The Feinstein amendment would strike this funding for advanced concepts.

The RNEP study is not a new issue for the Congress to consider. Last year, Congress authorized and appropriated $15 million for the first of the 3-year feasibility studies on the robust nuclear earth penetrator. This bill provides funding for the continuation of the feasibility study. It does not authorize the production or deployment of such a capability. The RNEP feasibility study will determine if one of two existing nuclear weapons can be modified to penetrate into hard rock in order to destroy a deeply buried target that could be hiding weapons of mass destruction or command and control assets.

The Department of Energy has modified nuclear weapons in the past to modernize their safety, security, and reliability aspects. We also modify existing nuclear weapons to meet new military requirements. The B61–11, one of the weapons being considered for the RNEP feasibility study, was already modified once before to serve as an earth penetrator to hold specific targets at risk. At that time, the modification was to assure the B61 could penetrate frozen soils. The RNEP feasibility study is an attempt to determine whether the same B61 or another weapon, the B83, could be modified to penetrate hard rock or reinforced underground facilities.

Funding research on options, both nuclear and conventional, for attacking such targets is a responsible step for our country to take.

Admiral James Ellis, Commander of U.S. Strategic Command, confirmed in testimony before the Strategic Forces Subcommittee on April 8, 2003, that not all hardened and deeply buried targets can be destroyed by conventional weapons. Many nations are increasingly developing hardened and deeply buried targets to protect command and communications and weapons of mass destruction production and storage assets. It is prudent to support the study

of potential capabilities to address this growing category of threat.

What the Senate bill provides funding for is simply the second year of the 3-year feasibility study, nothing more. Should the National Nuclear Security Administration determine through this study that the robust nuclear earth penetrator can meet the requirements to hold a hardened and deeply buried target at risk, NNSA still could not proceed to full-scale weapon production development or deployment without an authorization and appropriation from Congress.

We should allow our weapons experts to determine if the robust nuclear earth penetrator could destroy hardened and deeply buried targets and to assess what would be the collateral damage associated with such capability. Then Congress would have the information it needs to decide whether development of such weapons is appropriate and necessary to maintain our Nation's security.

The Feinstein amendment would strike funding to continue the ANEP feasibility study.

The enhanced test readiness initiative has also been closely considered by the Congress and the administration. The House and the Senate Armed Services Committees required the Department of Energy, in consultation with the Department of Defense, to do a study to determine the optimum readiness posture for the Nevada Test Site. After a thorough review, the optimal test readiness posture chosen by the Department of Energy was 18 months.

Against the thoughtful consideration of both the Congress and the administration, the Feinstein amendment would strike the funding to allow our Nation's readiness to be enhanced at the Nevada Test Site.

Another important initiative is the continuing efforts to design and construct a modern pit facility to ensure the United States can, once again, manufacture plutonium pits for our existing nuclear weapons stockpile and for future weapons design, if necessary. The United States is the only nuclear power which does not have the current ability to mass produce plutonium pits.

Let me restate that. The United States is the only nuclear power that does not have the current ability to mass produce plutonium pits.

Although we have limited capabilities to produce a few pits at the Los Alamos National Laboratory since the shutdown of Rocky Flats in my home State of Colorado, the United States has not produced plutonium pits. That is a problem for our aging nuclear weapons stockpile since the pits and those weapons are aging beyond their design life, and as a radioactive material, plutonium continues to deteriorate until the pits can no longer be usable. The Feinstein amendment would strike funding for the modern pit facility.

All of the administration's nuclear weapons initiatives are designed to make sure the United States has the best and the brightest scientists and engineers prepared to innovate, create, test, and even manufacture, if necessary, to make sure any adversary is deterred from conducting harmful actions against the United States or its allies.

There are protections in the National Defense Authorization Act which provide that, at a minimum, no engineering design work can occur on the robust nuclear penetrator without specific authorization from Congress. We maintain our ability to control any mass production of those nuclear weapons.

We already had that debate. We should allow these initiatives to continue. Therefore, I am urging my colleagues to join me in voting against the Feinstein amendment.

There are a couple more issues I would like to cover. First, I ask unanimous consent that an op-ed by the Secretary of Energy, Spencer Abraham, from the Washington Post on Monday, July 21, 2003, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 21, 2003]

FACING A NEW NUCLEAR REALITY

(By Spencer Abraham)

The United States took another step toward eliminating the last vestiges of Cold War nuclear weapons production in May when the Department of Energy awarded contracts for construction of fossil fuel power plants to replace three Russian nuclear reactors. These reactors produce not only heat and electricity but also weapons-grade plutonium, enough to build 1½ nuclear weapons a day. When the new U.S.-financed power plants are constructed and the nuclear reactors shut down, weapons-grade plutonium will no longer be produced in Russia.

President Bush is deeply committed to reducing the number of our nation's strategic nuclear warheads by two-thirds, and to preventing nuclear and radiological materials from falling into the hand of terrorists. This $466 million project is the latest advancement in an aggressive nonproliferation effort that has expanded from $800 million to $1.3 billion per year since the president took office. That's why I was perplexed, during congressional debate on the defense budget by the hysterics over the $21 million that would allow our scientists to contemplate advanced weapons concepts that could be used to protect against 21st-century threats. (In all, some $6.4 billion in the budget is for Department of Energy nuclear weapons programs.)

This funding should not have surprised anyone. It is the logical result of early Bush administration initiatives, endorsed by Congress, to conduct a thorough review of the nation's nuclear weapons policy. That review determined that the 21st-century national security environment differs greatly from that of the past half-century.

Deterrence during the Cold War led to a predictable—if chilling—balance of terror that has now largely vanished. Henceforth threats will likely evolve more quickly and less predictably. It is a situation that demands the restoration of our capacity to meet new challenges.

Recently the United States has begun making great strides to rebuild those capabilities. Now, for the first time in more than a decade, we are able to manufacture a plutonium pit—also known as a trigger—an essential nuclear warhead component. The lack of this proficiency has seriously constrained our ability to maintain our nuclear stockpile. We have also launched a much-needed facility modernization program. But maintaining our capability to address 21st-century challenges requires more.

Should our scientists decide we cannot certify the reliability of our nuclear stockpile, we must be capable of conducting a nuclear test in a much shorter time frame than the current three years. The capacity to test within 18 months is a critical capability every president must have. We must also give our weapons scientists the resources and authority to explore advanced weapons concepts, including research related to low-yield weapons. Funding constraints and confusing legal prohibitions have stifled most new thinking on these issues. This has, in turn, made us less capable of devising the best responses to emerging threats.

The challenges posed by rogue nations or terrorists possessing weapons of mass destruction are strikingly different from that posed by the Soviet Union. Yet our best thinkers aren't being allowed to fully shift their focus from winning the Cold War to meeting new challenges.

Finally, we must move ahead to address one of the foremost military challenges identified in our recent review—an enemy using hardened, deeply buried facilities, to protect its weapons and other assets. We have just begun to explore whether modified existing warheads might be effective in attacking such targets. Similar analyses of the applicability of conventional weapons to addressing this threat are also being done.

We are not planning to resume testing; nor are we improving test readiness in order to develop new nuclear weapons. In fact, we are not planning to develop any new nuclear weapons at all. Our goal is designed to explore the full range of weapons concepts that could offer a credible deterrence and response to new and emerging threats as well as allow us to continue to assess the reliability of our stockpile without testing.

This is a sensible course that meets our national security requirements by restoring our capabilities and ensuring that we have the flexibility to respond quickly to any potential problems in the current stockpile, or to new threats that require immediate attention. Our policies are designed to strengthen the deterrent value of our nuclear weapons so that they don't ever have to be used.

Mr. ALLARD. Mr. President, I would like to briefly point out some of the things we had in the Defense authorization bill as it applied to a number of areas affecting nuclear weapons. The section that dealt with the developing low-yield nuclear weapon—section 3131 of the Defense authorization bill—repeals the ban on research and development of low-yield nuclear weapons. But that same section also includes a provision which states that nothing in this repeal should be ''construed as authorizing the testing, acquisition, or deployment of a low-yield nuclear weapon.''

Also included in that same provision is a section that limits DOE from beginning phase 3. Phase 3 is the full-scale engineering development or any subsequent phase of a low-yield nuclear weapon ''unless specifically authorized by the Congress.''

Finally, also in that same section 3131, a report is to be submitted to determine if the repeal of the ban on research and development of low-yield

nuclear weapons will affect the ability of the United States to achieve its nonproliferation objectives.

On that section of the Defense Authorization Act, we had a number of amendments that we considered on the floor which we have already voted on. Again, one was the Feinstein amendment. Senator FEINSTEIN offered an amendment to strike the repeal of the ban on low-yield nuclear weapons research. The motion to table was agreed to by a vote of 51 to 43. That was the Senate's position supporting the language of the Senate authorization bill on Armed Services.

The Reed-Levin amendment was also brought up in that section. They offered an amendment which retains the ban on low-yield nuclear weapon research. This amendment would retain the ban on phase 3 and subsequent phases but allow research on phases 1, 2, and 2A. This amendment was very similar to a House-Senate Armed Services Committee provision.

Chairman WARNER offered an amendment in the form of a substitute which struck the Reed-Levin amendment and added a limitation which required a specific authorization from the Congress before the Secretary of Energy can proceed with phase 3—which again is engineering development—or any subsequent phases of low-yield nuclear weapons. The Warner substitute passed by a vote of 59 to 38. The Reed-Levin amendment, as amended by the Warner substitute, passed by a vote of 96 to 0.

In another section in the Senate Armed Services Committee authorization bill dealing with the robust nuclear earth-penetrator—commonly referred to as RNEP—there was an authorization for $15 million for RNEP, which was the amount of the request we had in the budget proposal. That was section 1050.

Section 3135 also requires DOE to receive a specific authorization from Congress before commencing with phase 3 or any subsequent phase of the RNEP.

Time and time again, the Senate has spoken—that there will not be any further procedure on nuclear weapons development and advanced engineering unless there is specific authorization from the Senate.

Under the RNEP, there were a couple of Senate floor amendments that we considered. For example, Senator DORGAN offered an amendment to prohibit the use of funds for the nuclear earth-penetrator weapon, and the motion to table was agreed to by a vote of 56 to 41.

There was a Nelson amendment on RNEP. That amendment limited the DOE from beginning phase 3—full-scale development—or any subsequent phase of the robust nuclear earth-penetrator without a specific authorization from Congress.

Chairman WARNER prepared a very similar amendment, and the Nelson amendment was agreed to by a voice vote.

We have debated this issue thoroughly. The Senate has spoken on these amendments and on these provisions. The appropriators have language supporting what we have already voted on and what has been passed by this body. I think it is time to move forward.

I think it is important that we move forward with the appropriations bill in light of our energy needs in this country. We shouldn't delay.

I rise in support of the bill, and I rise in opposition to the Feinstein amendment and ask my colleagues to join me.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank the distinguished Senator from Colorado for his comments and overall summary of this situation. It has been extremely helpful. I am very grateful that he found time to do it today.

I understand that Senator BAYH desires to speak as if in morning business shortly with reference to the death of the Governor of his State. He is on his way. When he arrives, I will yield to him. He said he wanted 7 minutes.

Mr. BINGAMAN. Mr. President, I rise today to explain my reasons for supporting the Feinstein amendment. This amendment first and foremost seeks to reduce the funding for the robust nuclear earth penetrator, or RNEP. While on the Armed Services Committee, I took the lead on numerous occasions in opposing this program. I believe that it sends the wrong signal to other nations when we are proposing to expand our nuclear arsenal at the very same time we are trying to control the spread of weapons of mass destruction worldwide.

Further, this country clearly has superiority in advanced conventional weapons, as evidenced by the recent conflict in Iraq. Very few, if any, nations can compete with the U.S. in conventional weapons. We should be relying on this advantage in conventional weapons rather than forcing other nations to compete with us on nuclear weapons as we did before the end of the cold war.

There is also a pragmatic reason why I believe the RNEP is not needed. In my opinion, our existing arsenal, particularly the B–83 tactical nuclear bomb, is more than adequate to serve as a deterrent against the hardest underground targets that confront us today. The administration envisions the RNEP as a weapon that will destroy deep underground targets. Yet proponents of this argument seem not to have considered the loss of function to an underground target that a B–83, whose yield is in excess of 1 megaton, will cause. I am sure that after such a devastating explosion, very little, if any, of the deepest underground targets will pose much of a threat to the U.S.

Further, the amendment seeks to strike funding for the advanced concepts initiative. The administration claims that such funds are needed to keep our weapons scientists on the cutting edge of warhead design but they have not explained to us what avenues of research they wish to pursue. In my opinion, we barely know enough about modeling how our existing warheads function under the stockpile stewardship program. Our modern strategic warheads, such as the W–76 and W–88, are very complicated; modeling them challenges even the most advanced calculations on our laboratory supercomputers. There is no need at this time to embark on the new avenue of research in the advanced concepts initiative when we don't understand the science underlying the stockpile stewardship of our deployed arsenal. The advanced concepts initiative will be a dangerous distraction from the stockpile stewardship program.

The third provision of this amendment is somewhat more complicated. Let me begin by stating that I strongly support the construction of a modern pit facility as an integral component of the stockpile stewardship program. An earlier version of this amendment struck the funding for conceptual design work on this facility, which, in my opinion, was a mistake. I expressed my concerns to Senator FEINSTEIN, and I am pleased that this version of the amendment retains these conceptual designs funds.

There is a fundamental reason why I think the modern pit facility is important. Our pits are approaching ages in some cases of up to 35 years old. Our best scientists do not fully understand the way aging affects on these plutonium pits. At Los Alamos National Laboratory, we are just now at the stage where we can produce our first prototype test pit, 15 years after the Rocky Flats plant stopped production of these pits. But the Los Alamos facility cannot expand to handle the production that our stockpile may require 15 years from now.

With regard to siting the facility, I do not believe that we will have all the information we will need to do so by 2004. I have not seen any statements by the administration on what size the stockpile will be in 2012, when the Strategic Offensive Reduction Treaty reduces the stockpile down to 1200 to 1700 strategic weapons. I note that this treaty does not account for the deployed warheads found in gravity bombs. As a result of this lack of precision in future stockpile size, the DOE's Environmental Impact Statement gives production rates that range by a factor of four from 100 to 450 pits per year. Given that the stockpile size has not been decided at this time, and that the modern pit facility will not start operations until 2018, I cannot see how the Department of Energy can configure, much less site, their pit production facility in fiscal year 2004. I concur with Senator FEINSTEIN that the DOE can hold off siting the facility for a year, while continuing its design to

match the stockpile requirements from the Department of Defense.

I would like to note that I have advocated that if and when DOE justifies the facility's size, then Carlsbad, NM is the best location for it. Carlsbad's close proximity to Los Alamos National Laboratory means that the scientists who are researching the best ways to re-manufacture pits will be able to easily travel and impart that knowledge to the production plant. Carlsbad has a top-notch workforce at the Waste Isolation Pilot Plant well-trained for handling radioactive materials that will be essential to the pit facility. The Carlsbad community has shown strong support for the facility as well.

I support this amendment, but I also want to make clear that I also support the goal of constructing a modern pit facility, provided that they have a clear mandate from the Department of Defense on the facility's size based upon the stockpile, and we expect in 2018, when it begins operation.

Mr. LIEBERMAN. Mr. President, I stand today in support of my colleague Senator FEINSTEIN, and her amendment to strip the funding from the robust nuclear earth-penetrator and the advanced weapons concepts program, and to stop the enhancement of the time-to-test readiness at the Nevada Nuclear Test Site and the site selection of the modern pit facility. I fully support Senator FEINSTEIN's efforts to attempt to put an end to nuclear proposals that have not yet been justified by hard arguments but would likely result in adverse consequences.

Almost a decade ago, the United States, our allies, and the freedom-loving nations around the world rejoiced as the cold war ended peacefully and the threat of total nuclear annihilation was lifted. We dreamed then and we hope now that we will never again enter into a global struggle with thermonuclear consequences.

Yet there are those in this world who would still do us harm, and they are armed with weapons of mass destruction. To pretend otherwise would be to pander to a most dangerous delusion. There is a real danger that they seek to secure those weapons in hardened or deeply buried bunkers. We must put our best scientists to work to learn how to neutralize this threat.

At the same time, we must be careful that in seeking to neutralize this threat, we do not aggravate it by pursuing dangerously destabilizing policies and weapons programs.

As a member of the Senate Armed Services Committee, I have been briefed on our military's conventional and nuclear capabilities. Like most Americans, I have also watched with pride as our armed forces prove in Iraq and around the world that they are second to none. Based on these observations, I am convinced that we can and will meet the threat posed by our enemies without having to resort to developing nuclear weapons to destroy deeply buried or hardened targets at this time. To do so would be premature at best and dangerous and misguided at worst.

I am further convinced by the testimony and writings of experts, both those who have worn our Nation's uniform and those who did not, that not only is the utility of these nuclear weapons questionable, but so is the very fact of whether or not they will work as hoped.

Developing low-yield nuclear weapons at this time would also severely undermine our global nonproliferation efforts. I believe that at a time when the United States is seeking to convince the North Korean leadership that they do not need to engage in a brazen drive for a robust nuclear capability; at a time when our diplomats are trying to deescalate nuclear tensions along the Indian and Pakistani border; at a time when the International Atomic Energy Agency is presently engaged in negotiations with Iran over denuclearization and inspections, that we would be naive to think that we can coax these nations to drop their nuclear plans while we invest in pursuing our own new nuclear capabilities.

In addition to undermining our international nonproliferation efforts, a new generation of nuclear weapons, especially the low-yield variety envisioned by the administration, will blur the bright lines between conventional and nuclear capabilities, and raise the likelihood of resorting to the latter. I am not alone in this concern. Former Chairman of the Joint Chiefs of Staff General John Shalikashvili stated this concern clearly and persuasively: ''[a]ny activities that erode the firebreak between nuclear and conventional weapons or that encourage the use of nuclear weapons for purposes that are not strategic and deterrent in nature would undermine the advantage that we derive from overwhelming conventional superiority.''

The world we live in is indeed a dangerous place. In response to these dangers, however, we must guard against rash actions that undermine our ultimate security. The new nuclear weapons the administration advocates will not substantially increase our sense of security and may in fact detract from it.

Mr. LAUTENBERG. Mr. President, I rise today to support Senator FEINSTEIN's amendment to remove funding for the development of new nuclear weapons. The administration is seeking $15 million to fund more research on the robust nuclear earth penetrator a nuclear bunker buster and $6 million for research on new nuclear weapons.

I must register my shock that the administration has requested this funding, reversing almost 60 years of U.S. nuclear policy. Funding such a request is the first step on a ''slippery slope'' that could irreversibly lead us to testing and maybe even deploying these new nuclear weapons.

It is imperative that we nip this mischief in the bud by supporting Senator FEINSTEIN's amendment.

Let me remind my colleagues that the administration has consistently identified one distinct threat to U.S. security and reiterated this threat innumerable times in the past year: The proliferation of weapons of mass destruction and their transfer to terrorists.

In the President's speech to the United Nations on Sept. 12, 2002, in his address to Congress in October, 2002, in his State of the Union speech this past January, he repeatedly expressed his concern about the proliferation of biological, chemical, and especially nuclear weapons.

Many Members of Congress voted to send our young men and women to Iraq to eliminate the threat of Saddam Hussein's supposed nuclear arsenal. We were told that while Saddam had not yet developed nuclear weapons, he was actively intent on doing so and the consequences would be horrific.

Meanwhile, during this same year, the administration is looking to create new nuclear weapons.

Our diplomats have just returned from six-way talks in Beijing aimed at resolving the North Korean nuclear crisis instigated last fall when Kim Jong IL announced his defiance of the 1994 Agreed Framework. How can our negotiators in good faith reassure the North Koreans and the other participants at these talks of peaceful United States intentions in the region, while at home, in our labs, nuclear scientists are experimenting with new nuclear weapons that will eventually have a yield 70 times that of the bomb dropped at Hiroshima?

It is abundantly clear that there is a copycat effect of U.S. military planning. According to former Undersecretary of Energy, Rose Gottemoeller:

> Other countries watch us like a hawk. They are very, very attentive to what we do in the nuclear arena. I think people abroad will interpret this as an enthusiastic effort by the Bush administration to re-nuclearize. And I think definitely this nuclear funding is going to be an impetus to the development of nuclear weapons around the world.

I clearly remember the devastation that the atom bombs wrought not only on Hiroshima and Nagasaki, but on all society. As Adlai Stevenson put it, ''Man wrested from nature the power to make the world a desert.''

Since those two unforgettable days in 1945, administration after administration, Republicans and Democrats, have made it clear that nuclear weapons have held a special status within the U.S. arsenal. U.S. policymakers have committed to the international nuclear arms control regime.

The research funding in this bill for the nuclear earth penetrator departs from 60 years of nuclear policy. If these weapons are researched, they will be inevitably be tested, which will undermine a 10-year U.S. commitment to a nuclear testing moratorium.

I am deeply concerned about the standing of the United States in the international community.

As a result of the unilateral approach the Bush administration has taken in Iraq, we have lost friends, trust, respect and admiration in the global community. This new nuclear policy departure will only further erode U.S. leadership and esteem in the world.

I urge my colleagues to support this vital amendment.

Mr. BIDEN. Mr. President, I rise to support Senator FEINSTEIN's amendment to strike funding allocations for certain nuclear weapons research and development activities contained in H.R. 2754 the energy and water appropriations bill. Before I discuss the particulars of this amendment, let me explain why it matters so very much in the context of the international environment in coming decades.

Today, the United States is the preeminent conventional superpower in the world. We spend more on our Nation's military than the rest of the world combined. As the dazzling display of firepower exhibited by our troops in Afghanistan and Iraq demonstrates, our Nation boasts the mightiest military machine in world history.

But none of that means our Nation is secure or can afford to rest on its laurels. As September 11 graphically exhibited, the world is a very dangerous place, if only because our adversaries and rivals are turning to asymmetric warfare to nullify our military advantages and exploit our weaknesses. One key asymmetry lies in the use of weapons of mass destruction. The spread of technology around the world allows a greater number of states and non-state actors to access the knowledge, technology, and infrastructure required to develop and produce nuclear, chemical, and biological weapons.

Nuclear weapons, in particular, can nullify the overwhelming conventional military strength of the United States. Today no weapons system can defend against the detonation of a nuclear weapon in an American city. National missile defense holds out the prospect one day of preventing the delivery of nuclear weapons via intercontinental ballistic missiles, but the technology is so premature that any effective system is years, if not decades, away. Indeed, a terrorist is unlikely to use an ICBM with a return address. And there is absolutely no system that can prevent a barge from sailing into New York City's harbor and detonating a nuclear explosive on board.

So nuclear proliferation represents the gravest threat today to our national security, a threat from which our overwhelming conventional military strength provides little protection. How do we best respond to this threat? One school calls for the development of new nuclear weapons for possible use in an otherwise nonnuclear conflict. In order to ensure that a North Korea or an Iran cannot secure its chemical and biological weapons or hide its leaders in underground bunkers, some people call for new nuclear weapons capable of penetrating layers of earth and destroying deeply buried targets.

Advocates of new nuclear weapons go off the deep end, however, when they suggest that low-yield weapons could ever destroy deeply buried targets, or that a ''bunker-busting'' weapons would not cause horrific civilian casualties. The laws of physics dictate that a warhead cannot penetrate more than 50 feet of dry rock before gravitational forces cause the warhead to break up. That means that a nuclear weapon big enough to destroy a deeply buried target—even a target 100 feet below ground—cannot be ''low-yield''. Any low-yield weapon would simply lack the explosive power necessary to destroy a target buried at that depth or lower. So the nuclear weapons designers tell us explicitly: A Robust Nuclear Earth Penetrator will never be a low-yield weapon.

But what would happen if a low-yield weapon were used against a buried target? According to the physicist Sidney Drell, a one-kiloton nuclear weapon, well below the 5-kiloton threshold below which nuclear weapons are called ''low-yield'', detonating at a depth of 40 feet below the surface would still create a crater larger than the entire World Trade Center impact zone and churn up about 1 million cubic feet of radioactive material into the air. This very small one-kiloton nuclear weapon would wreak tremendous damage, contaminating the surrounding area for miles on end with dangerous gamma rays and other radiation. This reality is vastly different from the image of a surgical weapon promoted so often by its advocates.

Advocates of low-yield nuclear weapons are trying to have it both ways. They want a weapon powerful enough to take out bunkers, neutralizing any stored chemical and biological agents, that are buried deeply below the Earth's surface. At the same time, these weapons must be small enough to minimize civilian casualties and destruction on the surface. Unfortunately, scientists and weapons designers say it just can't be done.

Weapons designers will tell you that the real purpose for low-yield nuclear weapons is not to strike underground targets when all other options have failed. Rather, these weapons could strike regular surface targets like leadership compounds—while reducing the damage that a more regular-sized nuclear weapons would cause. But that resurrects the misguided strategic concept that nuclear weapons are just handy tools, like any other weapon—a bizarre notion that should have expired along with Dr. Strangelove decades ago. Besides, low-yield weapons are nothing new. Every time we developed them, however, the military concluded that they weren't worth the effort.

Any deterrence benefits that new low-yield nuclear weapons would provide are far outweighed by both the risk that they will actually be used and the dangerous signal that they send to other countries—intentionally or not—that we intend to fight nuclear wars. Low-yield weapons, in particular, blur the traditional firewall between nuclear and conventional war. The sidestep the fact that a nuclear weapon is a weapon of a wholly different order and magnitude from any other weapon in existence today—something that any sane and rational society would only use as a truly last resort. As Hiroshima and Nagasaki demonstrated in 1945, even crude nuclear weapons are city-killers.

Let me point out one final challenge to the possible use of low-yield nuclear weapons to strike deeply buried targets. Any decision to order such a strike must rely upon unimpeachable intelligence, because no rational President will order even a low-yield nuclear weapons like without great confidence in the success of the mission. It is precisely that type of intelligence which is so difficult to obtain when it comes to acquiring information on the location of WMD stockpiles and leadership compounds in rogue states. Just look at what happened during the war on Iraq this spring. Twice, we thought we had Saddam in our sights. Our intelligence folks told the President they had good information that Saddam was in a particular location at a given time—but in both cases they were wrong. Saddam either was never there or had left before the bombs arrived. And as for taking out Saddam's chemical or biological weapons, ''all the king's horses and all the king's men'' will get back to us later.

I'm not casting blame on our intelligence community—it is an incredible challenge to gain real-time tactical information in the heat of battle. But imagine the international outcry had the United States used a low-yield nuclear weapons to go after Saddam. Not only would we have failed to kill him because he was not in the bunker, we would have caused incalculable civilian casualties, razed a large part of Baghdad, and breached the nuclear threshold.

Is this a price any future Commander in Chief would or should be willing to pay? Our enemies are not stupid—they will increasingly locate valuable targets near or next to civilian sites, such as mosques and hospitals. They may will bury deeply hidden bunkers under these sites. Again, should any President give the OK to use a low-yield nuclear weapon under such circumstances? If not, why incur the fiscal expense, diplomatic costs, and strategic risks of developing these new weapons in the first place? Why give other countries the sense that nuclear weapons are a vital element in our warfighting plans, when there would still be no rational reason for us to use them except in retaliation?

So what's the right response to the world we live in today, where nuclear

proliferation poses the greatest security threat we face? I wish I could offer you one simple solution that will effectively answer this challenge. Unfortunately, no such magic bullet exists. Instead, we need to rely on a shrewd combination of accurate intelligence, diplomacy, multilateral cooperation, arms control, export controls, interdiction, sanctions, and when appropriate, the threat or use of military force, to deter and prevent the spread of nuclear weapons.

In those situations where we must target deeply buried targets, conventional weapons offer a promising alternative to introducing nuclear weapons into the conflict. After all, chemical or biological weapons stored in an underground site can do no harm as long as they remain within that bunker. And an earth-penetrating nuclear weapon could spread far more chemical or biological agents than it burned up, unless it landed very precisely on the target. So our military could employ large conventional bombs to seal or destroy the entrance and exit tunnels to underground sites, so that any weapons stockpiles stored in such sites will not be going anywhere for a while.

Other scientists have discussed the feasibility of targeting a series of conventional missiles, one following the other, in order to burrow a ''pilot hole'' toward a deeply buried target. So let's be clear—nuclear weapons are not the only possible solution for attacking an underground target.

The neoconservative school argues that diplomacy, arms control, and international ''norms' have failed to deter rogue states like Iran and North Korea from developing nuclear weapons programs. There may be some truth to that, but diplomacy has been instrumental in slowing down the progress of these programs and restraining their scope. In addition, nonproliferation regimes and international norms have provided tremendous value in convincing more established states in the international system to remain non-nuclear. For example, it was their desire for international legitimacy which, in part, persuaded Argentina and Brazil to give up their nascent nuclear weapons programs in the 1980's. The same can be said for Japan, Taiwan, the Ukraine, and South Africa, which have all foregone, halted, or voluntarily given up their own nuclear weapons programs.

How does the Feinstein amendment fit into this broader discussion over U.S. nuclear weapons strategy and the battle to combat nuclear proliferation? The energy and water appropriations bill includes the administration's original requests for funding of a series of controversial nuclear weapons activities, including research into advanced nuclear concepts, such as low-yield weapons, and reduction of the time period between when a President makes the decision to resume nuclear testing and when our nuclear weapons complex would be able to carry out a test.

This new funding to enhance our readiness to resume nuclear weapons testing and conduct research on new weapons concepts and designs will lead us to a world where the further proliferation of nuclear weapons is more widely tolerated. While the senior officials in the current administration have disavowed any intent to resume nuclear testing or produce new nuclear weapons, their actions tell a different story.

The Nuclear Posture Review of December 2001 identified not only Russia and China as potential targets in a future nuclear war, but also North Korea, Iran, Syria, and Libya. The latter countries were cited as seeking weapons of mass destruction, but not necessarily nuclear weapons.

More recently, civilian Pentagon leaders ordered a task force to consider possible requirements for new low-yield nuclear weapons, even while assuring the Senate that no formal requirement has yet been established.

A presidential strategy document reportedly stated that the United States might use nuclear weapons against a non-nuclear state possessing chemical or biological weapons.

Senior officials publicly discuss the possible need to resume underground nuclear testing, either to ensure that existing weapons are safe and reliable or to test new weapons, all the while scorning the Comprehensive Test Ban Treaty.

The Feinstein amendment would strike out the $15 million allocation for the Robust Nuclear Earth Penetrator, eliminate the $6 million allocation for Advanced Weapons Concepts Initiative and prohibit the use of any appropriated funds to shorten the time period required to prepare for an underground nuclear test from the current 24 to 36 months to less than 24 months.

It would also prohibit the use of funds for site selection or conceptual design of a Modern Pit Facility, which would produce replacement plutonium triggers for the existing nuclear stockpile. The amendment reallocates the eliminated funding to the paramount goal of deficit reduction.

Let me remind my colleagues that this amendment only proposes to do what the Republican-controlled House largely already did in July, when it adopted its version of the Energy and Water appropriations bill. According to press reports, Representative DAVID HOBSON, the Republican chairman of the relevant House Appropriations subcommittee, defended his panel's decision to strike this funding by asserting the U.S. Government should first address the rising costs of managing its existing nuclear stockpile and disposing of its nuclear waste before moving ahead with new nuclear programs. Neither the full House Appropriations Committee nor the House as a whole challenged the subcommittee's mark.

We should all remember the House's actions when our opponents charge that this amendment will jeopardize U.S. national security or represents some extremist, antinuclear weapons agenda. In fact, the opposite is true.

So what's the bottom line here? Today, the United States deploys 6,000 strategic nuclear warheads and possesses in total more than 10,000 deployed or reserve nuclear weapons. As we are the overwhelming conventional military power in the world, it is decidedly against our interest to see others obtain and/or use nuclear weapons. Why on earth, then, are we considering the acquisition of additional and more advanced nuclear weapons?

If we continue on these steps to develop these new weapons, our friends and enemies alike can easily dismiss our future admonitions on why nuclear weapons fail to provide true security. Indeed, our adversaries will take to heart one overriding lesson: Develop your own nuclear weapons to deter a preemptive U.S. strike.

Let me close with a statement by Secretary of State Colin Powell, a man who spent the majority of his career in the uniformed military. In May 2002, Secretary Powell discussed the potential for an India-Pakistan conflict to evolve into a nuclear clash. But his larger point holds true for our debate today:

> Nuclear weapons in this day and age may serve some deterrent effect, and so be it, but to think of using them as just another weapon in what might start out as a conventional conflict in this day and age seems to be something that no side should be contemplating.

The Feinstein amendment enhances U.S. national security by preventing our Nation from sleepwalking into an era when nuclear weapons are considered just another weapon. The United States is the leader of the world. Other nations watch us and they follow our lead. Let's not lead them astray.

Mr. AKAKA. Mr. President, I rise today to comment on the debate over funding for the administration's request for studying new nuclear weapons in the Energy and Water Development Appropriations bill.

The administration proposes that Congress fund the study of two new nuclear weapons: a robust nuclear earth penetrator, RNEP, and a low yield nuclear weapon.

Why does the United States need these new nuclear weapons?

The administration's case for these new nuclear weapons presumes that deterrence may not be working well in the post-cold war security environment. Leaders of rogue states may conclude that the United States cannot attack their deep bunkers or weapons of mass destruction, WMD, and so act or use their WMD with impunity. These new nuclear weapons supposedly will bolster the U.S. deterrent.

But does our nuclear arsenal no longer deter?

Deterrence involves credibly threatening an enemy to deter them from taking unwanted actions. It involves having the forces to fulfill the threat

and the resolve to carry out the threat. We have enough nuclear weapons to accomplish this goal. Over a decade after the end of the cold war we possess an arsenal that could still end life on earth as we know it. This massive destructive power should give pause to any nation or dictator that wants to attack the United States with nuclear weapons.

While the Congress was on recess, the annual remembrance of the bombings of Hiroshima and Nagasaki and the end of World War II passed. On August 6, 1945, the United States dropped the first atomic bomb on Hiroshima. Three days later another was dropped on Nagasaki. Shortly thereafter Japan surrendered, ending World War II.

The Hiroshima bomb had an explosive power of 15 kilotons of TNT and killed almost 70,000 people immediately and injured as many more. The Nagasaki bomb was 22 kilotons and killed 40,000 people and injured another 25,000. There had been devastating conventional bombing attacks during World War II. The fire bombings of Dresden and Tokyo also caused widespread damage and loss of life. But the realization that one plane with one bomb could destroy a city was a new and fearsome development.

After the end of World War II and the onset of the cold war, the U.S. arsenal expanded rapidly. By 1960, more than ten thousand nuclear weapons were in the U.S. arsenal. Weapons had expanded from kiloton to megaton size. The U.S. arsenal grew to have 20,500 megatons of TNT explosive power.

A megaton is an enormous amount of destructive power. A kiloton is a thousand tons. A megaton is a million tons. In 1960, the U.S. arsenal had almost seven tons of TNT of explosive power for every one of the three billion men, women and children on the planet.

The massive overkill of the U.S. arsenal, like its Soviet counterpart, has declined since the 1960s. The United States still keeps thousands of nuclear weapons. But the average explosive power of a U.S. nuclear weapons has decreased. As a result the U.S. arsenal today contains only some 1,200 megatons of explosive power. Still enough, however, for 400 lbs. for every person on Earth.

Some advocates of small nuclear weapons claim massive firepower is a poor deterrent. They argue that the United States would not use a large nuclear weapon for a limited strike. They further argue that smaller, more usable nuclear weapons will be a more credible deterrent because rogue state leaders will believe the United States could use them. The administration proposes to investigate the possibilities of a new nuclear weapon with a yield of less than five kilotons to meet this goal.

Five kilotons is one third the size of the Hiroshima bomb. It is not a low-yield weapon. It is equivalent to 5,000 tons of ten million pounds of TNT. Yet, the use of such new lower yield nuclear weapons is incredible because it is impractical and there are conventional weapons that can or will be able to do the job. We are told there are dozens if not hundreds of buried hardened targets. Without excellent intelligence on where WMD or rogue leaders may be hidden, the United States would need to drop dozens or hundreds of nuclear weapons. The radioactive fallout from such a strike would be large. The international political fallout would be massive and so would be the international environmental effects.

The U.S. nuclear arsenal is currently diverse and flexible. the United States in fact already possesses such low-yield nuclear weapons. I asked Secretary of Energy Spencer Abraham for the record when he was before the Senate Armed Services Committee this spring if the United States had operational nuclear weapons that could have yields of less than five kilotons. Secretary Abraham's unclassified written response was that, ''The U.S. has two existing nuclear weapons that have certified yields of less than five kilotons.''

As for the robust nuclear earth penetrator, we already have one of these as well. As has been well publicized, in the mid-1990's, the United States deployed the B61–11 bomb for an earth penetrating mission.

The administration claims the B61–11 is no longer adequate for the job. Energy Department officials informed congressional staff in an unclassified briefing that the B61–11 was designed not to penetrate rock but to attack only certain targets in hard or frozen soil in Russia. It is not able to counter targets deeply buried under granite rock. Moreover, it has a high yield, in the hundreds of kilotons. If used in North Korea, the radioactive fall out could drift over nearby countries such as Japan.

Is the solution to a seeming limitation to the B61–11 exploring yet more and more nuclear weapon designs? This search for a perfect nuclear deterrent reminds me of the mad logic of the cold war where the United States and Soviet Union pursued more and more nuclear weapons of more and more sophisticated designs to try to cover more and more contingencies. These endless improvements are unnecessary, expensive and dangerous.

For example, some argue using new small penetrator nuclear weapons is preferable to using conventional weapons for attacking buried chemical or biological weapons. They hope that a nuclear weapon would incinerate hidden weapons. However, calculations by Princeton physicist Robert Nelson indicate that, unless the strike is extraordinarily precise, the blast from a nuclear weapon has as good a chance of dispersing buried agents as destroying them. Our conventional forces can also attack or disable deeply buried targets. They will continue to improve in effectiveness and lethality. We should focus on improving their capability, not chasing some nuclear will o' the wisp.

The $21 million for the RNEP and advanced weapons concepts, including the low-yield nuclear weapons, in the fiscal year 2003 budget could be better spent elsewhere to guard us against real nuclear threats. There is widespread agreement that al Qaeda or other terrorist groups would make use of a dirty bomb if they could get hold of radioactive materials. I have released three General Accounting Office reports this year that show the United States and international controls over radioactive sealed sources that could be used in a dirty bomb are severely lacking. The Energy Department could better spend the funds being proposed for new nuclear weapons on improving the tracking and security of dangerous radioactive sources here and abroad.

Pursuing new nuclear weapons will undermine our non-proliferation goals. The example we set for the rest of the world does matter. Getting the world's approval for the indefinite extension of the Nuclear Non Proliferation Treaty in 1995 was dependent on the United States and the other nuclear powers signaling they would rapidly negotiate a comprehensive Nuclear Test Ban Treaty, CTBT.

The United States and Russian decision to stop nuclear testing in the lead up to the CTBT talks put pressure on France and China to end their nuclear test programs in the 1990's. Had the United States and the other nuclear powers not stopped nuclear testing it would have been even more difficult to pressure Pakistan and India to put a quick to their nuclear tests. It would be even harder to put pressure on North Korea today.

Getting the world to continue to help us to pressure North Korea and Iran will be more complicated if the United States weakens its commitments to non-proliferation. In early September, Russia complained that several states' failure to ratify the CTBT is delaying its entry into force at an international conference convened to look at this question. This controversy over the U.S. non-proliferation policy is not welcome news when the administration is now seeking support to condemn Iran's nuclear program at an upcoming IAEA meeting. News reports indicate that the United States will have a hard time doing this as Iran has more allies on the IAEA's board than does the United States.

The non-proliferation regime, laboriously constructed by the United States and the international community over 30 years, has been a success. Rather than having dozens of countries with nuclear weapons, we confront a few, final, hard cases that have been a problem for many years but whose time is running out. New nuclear weapons are not the way to address the challenges these nations pose.

Rather, a diplomacy of engagement, building the support of the international community, and maintaining our strong alliance commitments and conventional forces is the way forward.

The administration is learning that force and confrontation are not a solution to the non-proliferation problem. Saddam Hussein's weapon of mass destruction program was not an imminent threat. Continued inspections and indefinite monitoring which were envisioned under the U.N. resolutions would have contained his program. Confrontation with North Korea has led to an acceleration of the North Korean nuclear program not its demise. Now the administration must negotiate seriously with North Korea to bring and end to the crisis and create a new security regime in the Northeast Pacific.

The administration should understand more and more types of nuclear weapons will not guarantee deterrence, prevent the proliferation of WMD, prevent war or conflict. In fact, during the cold war we found our ever increasing nuclear arsenal could not achieve these goals. Paranoid, pygmy or pariah states, as Professor Richard Betts once characterized them, sought nuclear weapons for their defense due to their imagined or justified fears, their perceived conventional weaknesses, or because of their outcast status. Nuclear weapons did not prevent the Korean war, the Vietnam war, the Arab-Israeli wars, or the Soviet invasion of Afghanistan.

Deterrence has many components: nuclear forces, conventional forces, strong alliances, a strong economy, and a strong resolve among them. At this moment in history we need an intelligent diplomacy, strengthened alliances and capable conventional forces more than we need more and new types of nuclear weapons.

We have enough nuclear weapons to maintain nuclear deterrence. If anything, we should be seeking ways to further reduce ours and other countries' nuclear arsenals, not add to them. Talk to the contrary by promoters of new nuclear weapons misrepresents the strength of our existing forces and our resolve. We are sending the wrong message about our military strength.

I urge my colleagues to reject funding for these new nuclear weapon designs.

I urge my colleagues to vote for Senator FEINSTEIN's amendment.

Mr. DOMENICI. Mr. President, if I might have the attention of Senator REID, it has come to my attention, for a reason involving an individual Senator, that it would be more accommodating if we started our vote at 2:45. Does the Senator have any objection to that?

Mr. REID. I modify the request that the time between 2:15 and 2:45 be equally divided between both sides, Senator DOMENICI controlling 15 minutes and Senator FEINSTEIN controlling 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I indicate to the Senate that we will have a few minutes before the vote. I will summarize again and we will have handouts if anyone needs to know what this Senator thinks the issues we will vote on are.

In summary, No. 1, there is no authorization to build any new nuclear weapons. We are building none now. We have not built any for a long period of time.

No. 2, a portion of this bill says the Nevada Test Site will be made ready so it can be used in 18 months rather than 3 years. Almost everyone knowledgeable in the field thinks it is high time that happened.

No. 3, there is a small amount of money to begin planning, designing and feasibility, for a pit manufacturing facility. We are the only nation with nuclear weapons which has no spare pits, plutonium pits, the essential ingredient. We have tried to make them in Los Alamos. It is makeshift and it has been very expensive.

It is clearly indicated for the next 40 or 50 years we need to build a facility. This bill provides a start on that long-term effort.

Not yet have I said anything about new weapons or America engaging in a new course of conduct with respect to nuclear energy. That is not happening.

Next, the bill says, do not tie the hands of our great scientists with reference to the future. Let them study, let them think, let them design, but do not let anyone build any new weapons. Let them think about the future and what might be needed in light of the changed circumstances in the world. It is very prudent to do that.

In all three regards, there are clear cases the Feinstein amendment should fail. I hope it does so we can proceed ahead with these things that are necessary.

I yield whatever time the distinguished Senator from Indiana needs. I share my grave concern and condolences over the death of his esteemed Governor.

I yield the floor.

TRIBUTE TO GOVERNOR FRANK O'BANNON

Mr. BAYH. I thank my colleague from New Mexico, and I thank all Members of this body.

It is with a sense of melancholy but also gratitude that I rise today to celebrate the life of Frank O'Bannon. He died as he lived, in service to the people of the State of Indiana.

Frank O'Bannon was my friend and spent the best years of his life in public service: 18 years following in the footsteps of his father in the Indiana State Senate where he served as the leader of the Democratic Party; 8 years as lieutenant governor where we enjoyed a seamless partnership working on behalf of the people of our State, always a source of wise counsel, support, and encouragement; in these last 7 years, working on behalf of the people as Governor of the State of Indiana.

His accomplishments were many and will be everlasting in memory. His devotion to education was second to none. He fought for higher academic standards, a system of assessments to determine how children are doing toward meeting those standards, and taking aggressive steps to ensure that every child across our State would have access to the skills necessary to make the most of their God-given abilities.

He worked tirelessly first as lieutenant governor and then as Governor on behalf of a better economy, more job opportunities for the people of Indiana. Particularly during these recent difficult years he doubled his efforts to ensure that our State would be competitive with not only our neighboring States but also with those with which we compete from abroad.

Frank O'Bannon cared about a better quality of life for all Hoosiers. He work tirelessly for better health care for the citizens of our State, particularly for the young. I am so very proud the State of Indiana ranks at the top in the country in terms of how we have used the new CHIP Program to extend health care benefits to disadvantaged children across our State. I was privileged to work with him in my capacity in the Senate to ensure our State continued to receive full funding for our efforts.

Frank O'Bannon had many other important contributions in his legacy. Most recently I had a chance to visit the new White River State Park in Indianapolis and the magnificent Historical Society Center in Indianapolis where he hosted, along with our first lady, Judy O'Bannon, the other Governors from across the country to showcase the magnificent place that Indianapolis has become. The Historical Society was a wonderful setting for the Governors. We had a chance to display the finest of Hoosier heritage for the entire country.

The White River State Park will be a magnificent urban park attracting not only tourists from across the State but also business and industry as leaders of finance seek a better quality of life for their employees. His contributions to that effort were substantial, as well.

I believe Frank O'Bannon was a special man not for his material accomplishments but instead for the kind of man he was. There is an old saying that character is destiny. I believe that is true. Therefore, it is no wonder that Frank O'Bannon accomplished so much. He was a man of true and outstanding character, indeed. In all my years of association with him I never once saw him do something that was mean or petty. He understood very well that it is far better to be loved than feared. Even more, I always saw him place self-interest behind the public good, truly remarkable during an age of cynicism and skepticism about those in public life.

There is an old proverb that says the definition of a statesman is someone who plants a tree in whose shade he will never rest. Seedlings have been